



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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August 9, 1996

Mr. Joe Leko  
PO Box 972  
Milford, UT 84751

Dear Mr. Leko:

I am writing this letter as you requested. It is certainly not the intent of this office, or the Cedar City office, to single you out or attempt to take your water. Proof is required by law for almost any type application filed. The reference for this requirement is Utah Code Section 73-3-16, should your attorney want to research the issue. When your engineer files proof, assure that all the land you intend to irrigate is in, or has been in, production. With the consolidation/commingling, especially where pivots are used, some of the corners may get overlooked. Please don't get in a hurry to file proof.

Last night when we were in Kanab I spoke with Kerry. Again, please know we are not singling you out. We all know our problems in Milford are a lot bigger than the increased size of your lawn. Had Gerald realized you were going to irrigate that much ground around your house, the problem could easily have been resolved with the original change application.

Some of your neighbors may be having a good time with your problems. It is not our practice to treat anyone different from another. We knew the Milford area would be a problem, but felt that once we started we had to carry it to the finish. We will do this. I will assign necessary resources to this situation as long as needed. Many people want to cooperate, but just as many don't. I was sorry when you decided to leave the Board as you were one of the few who could see the big picture. If we can't stop the illegal uses and practices, the area will destroy itself.

Sincerely,

Robert L. Morgan, P.E.  
State Engineer

cc: Kerry Carpenter, Regional Engineer  
Lee Sim, Distribution Assistant State Engineer ✓

